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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/726,867	YOSHIDA ET AL.
	Examiner ANNAN Q. SHANG	Art Unit 2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 September 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 10-19 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 10-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \*    c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/05/08 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

With respect to the rejection of the last office action mailed 06/27/08, Applicant amends the claims, discusses the rejection and further argues that the prior arts of records do not teach the amended claims limitations (see page labeled 11 of 15+ of Applicant's Remarks/Arguments).

In response, Examiner disagrees. Examiner notes applicant's arguments, however, the primary prior art of records, Ismail teaches all the claim limitations including using functional equations to compute and analyze the attribute information for each of a plurality of user selected contents and modifies the computations that comprises user preference items by computing a new weight for each element of the computation of each element of the attribute of the plurality of user selected contents

(col.4, lines 13-34, col.5, line 19-col.6, line 1+, lines 35-67 and col.8, lines 21-52). Ismail further discloses assigning values to attribute items and further discloses preference intensity (see fig.1, col.3, line 43-col.4, line 12, col.6, lines 52-67 and col.9, line 59-col.10, line 31). Assign values for attribute items, creates an order for a number of attribute items and hence predetermines an order and a number of attribute items. Ismail is silent as to the claimed "...attribute information is expressed with an n-dimensional vector A comprising attribute items as elements...said selection information is expressed with n-dimensional vector S comprising user preference items as elements where each element identifies a preference intensity of corresponding element in the n-dimensional vector A, where each element of vector A may identify a positive attribute intensity and may identify a negative attribute intensity...." as recited. However, the deficiency in Ismail is disclosed in Sumita (figs.8-12, col.6, line 57-col.7, line 23, line 50-col.8, line 3 and lines 26-40) as discussed in the office action below. The amended claims do not overcome the prior arts of record. Furthermore the claimed limitations "...may identify..." does not positively recite claim limitation and hence does not carry any weight. The amendment to the claims necessitated the new ground(s) of rejection discussed below. **This office action is non-final.**

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 10, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ismail et al (6,614,987)** in view of **Sumita et al (6,581,207)**.

Regarding claims 1 and 10, Ismail discloses a broadcast system and associated reception apparatus [100, fig. 1; see col. 4, lines 40-44] comprising:

A broadcast station (see digital satellite system and CATV system, column 4, lines 49-54) for broadcasting digital content (see digital encoding, column 4, lines 40-47) with attribute information (attribute information 107), indicating an attribute thereof (i.e., attributive information is related to said digital contents, column 3, lines 43-48); and a plurality of reception apparatuses [100, fig. 1] (where a broadcast system includes a distribution system coupled to at least two reception/receiving apparatuses) having reception means (column 4, lines 40-41) for digital contents (see digital encoding, column 4, lines 40-47) and said attribute information (attribute information 107, column 3, lines 33-61), broadcast by the broadcast station (see digital satellite system and CATV system, column 4, lines 49-54),

A recording medium (storage device 106) for the recording received digital contents and the received attribute information (see storage of program data 105 and attribute information 107 in storage device 106, fig. 1, and column 4, lines 7-8), output means (monitor 108) for outputting the received digital contents (column 4, lines 35-38), and

Selection means (preference agent 110 and recording manager 112, fig. 1) for allowing a user to select the digital contents via a filtering process (specification of

programs to record by specification of particular attributes of the program by the user, col. 3, lines 25-30) by comparing selection information indicating user's preferences (preference database 116, fig. 1) with the attribute information (107) assigned to digital contents (column 4, lines 13-31); the plurality of reception apparatuses store the digital contents that match said user preferences even if said user does not reserve said digital contents (col. 2, lines 1-8).

Ismail discloses receiving digital contents (col. 4, lines 35-38), attribute information, (107) and selection information (116), and further discloses a means of selecting content (col.8, lines 22-40) and receiving viewing habits, including using functional equations to compute and analyze the attribute information for each of a plurality of user selected contents and modifies the computations that comprises user preference items by computing a new weight for each element of the computation of each element of the attribute of the plurality of user selected contents (col.4, lines 13-34, col.5, line 19-col.6, line 1+, lines 35-67 and col.8, lines 21-52). Ismail further discloses assigning values to attribute items and further discloses preference intensity (see fig.1, col.3, line 43-col.4, line 12, col.6, lines 52-67 and col.9, line 59-col.10, line 31). Assign values for attribute items, creates an order for a number of attribute items and hence predetermines an order and a number of attribute items.

Ismail is silent as to the claimed "...attribute information is expressed with an n-dimensional vector A comprising attribute items as elements...said selection information is expressed with n-dimensional vector S comprising user preference items as elements where each element identifies a preference intensity of corresponding element in the n-

dimensional vector A, where each element of vector A may identify a positive attribute intensity and may identify a negative attribute intensity...." as recited.

In an analogous art, however, **Sumita** discloses a system in which attribute information expressed as an n-dimensional vector (vector K, col. 7, line 67 - col. 8, line 1; where "n" is unspecified, "n-dimensional vector" is met by any vector) containing attribute items (keywords) as elements each indicative of attribute intensities (frequency of use) for content (where the keywords are selected so as to be descriptive of programming content, col. 6, fines 57-64 and col. 7, lines 15-23); the selection information expressed as an n- dimensional vector (vector Pi, col. 7, fines 65-66) comprising user's taste items (i.e., user profile information, column 7, fines 54-58) as elements where each element is a preference intensity of a corresponding element in the n-dimensional vector (weighted according to frequency of use, col. 7, lines 65-66); item types and orders for the attribute and the selection information correspond to those for the attribute vector (vector K) and the selection vector (vector Pi); and reception apparatus's selection means which performs an inner product operation between attribute vector attached to a broadcast content, and selection vector (fig. 1, col. 7, fine 63 and col.8, lines 1-3), and determines whether to select that content based on an inner product result (see fig. 12, and column 7, fines 50-59), which meets the claim limitations "...where each element of vector may identify a positive attribute intensity and may identify a negative attribute intensity..." as claimed; for the purpose of computing the similarity between incoming content attribute information and user's profile information (figs.8-12, col.6, line 57-col.7, line 23, line 50-col.8, line 3 and lines 26-40).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ismail to include the attribute information, selection information, item types and orders, performing an inner product, and determining whether to select content based on said inner product result as taught by Sumita, for the computing the similarity between incoming content attribute information and user's profile information in a broadcast recording system.

As to claim 10, the claimed "A reception method, comprising...." is composed of the same structural element that were discussed with respect to the rejection of claim 1.

As to claim 12, the combined teachings of Ismail and Sumita, disclose where said selection information's vector (Sumita, vector Pi) is found from a vector of attribute information (Sumita, vector K) attached to a plurality of digital contents (Ismail, see digital encoding, column 4, lines 40-47) selected by the user (Sumita, column 4, lines 62-67).

As to claim 19, the claimed "A reception method, comprising...." is composed of the same structural element that were discussed with respect to the rejection of claim 1

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ismail and Sumita** as applied to claims 1 and 10 above, further in view of **Dunlop (of record)** and further in view **Aggarwal (of record)**.

As to claim 11, the combined teachings of Ismail and Sumita, disclose a broadcast system and corresponding reception apparatus (Ismail, i.e., a system for receiving broadcasts, recording system 100, fig. 1, and column 4, lines 40-44) wherein

the selection means of each of said plurality of reception apparatuses selection means find a selection value (Ismail, preference agent 110 and recording manager 112, fig. 1) based on the following equation and selects the digital content based on a size of the selection value (Sumita, column 7, lines 50-58):

$$P = (A'S) / \|A\| \|S\| \quad (1)$$

Ismail, Cragun and Sumita fail to explicitly state the assumptions:

$$A'S = \sum_{k=1}^n a_k s_k \quad (1)$$

$k=1$  to  $n$

$$\|A\| = \sqrt{\sum a_k^2} \quad (2)$$

$k=1$  to  $n$

$$\|S\| = \sqrt{\sum s_k^2} \quad (3)$$

$k=1$  to  $n$  in which neither  $A$  nor  $S$  is a zero vector. (4)

In an analogous art, however, **Dunlop** discloses assumptions (1), (2), and (3) (pp. 139- 140), for the purpose of defining equations representing the scalar (dot) product of two or more vectors and the magnitude (size) of a vector.

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teachings of Ismail and Sumita to include assumptions (1), (2), and (3), shown above, as taught by Dunlop, for the purpose of defining equations representing the scalar product of two or more vectors and the magnitude of a vector for performing calculations in a broadcast recording system.

In addition, in an analogous art, **Aggarwal** discloses assumption (4) (col. 4, lines

47- 52, i.e., that vectors in a vector product operation are non-zero), for the purpose of obtaining a meaningful, non-zero result.

Therefore, it would also have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teachings of Ismail, Sumita and Dunlop to include assumption (4), shown above, as taught by Aggarwal, for the purpose of obtaining a meaningful, non-zero result when performing calculations in a broadcast recording system.

6. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ismail** and **Sumita**, as applied to claim 12 above, and further in view of **Hawkins (of record)**.

As to claim 13, the combined teachings of Ismail and Sumita, disclose a broadcasting system comprising a selection information vector (Sumita, vector  $P_i$ , column 7, lines 65-66) and digital contents (Ismail, see digital encoding, column 4, lines 40- 47) selected by the user (Sumita, column 4, lines 62-67), however, they fail to specifically disclose wherein said selection vector is found according to the following equation:

$$S = 1/M \sum A_k$$

$$k=1 \text{ to } M$$

where  $M$  is assumed to be a number of contents selected by the user and an attribute vector for the  $K$ th content selected by the user is assumed to be:  $A_k = (a_{1k}, a_{2k}, a_{3k}, \dots, a_{nk})$ , as recited in the claims.

In an analogous art, however, **Hawkins** discloses a selection information vector (vector map representing user selected preferences) is found by averaging vectors A for attribute information (corresponds to the equation recited in the claim, where summing a set 1 to M of vectors and dividing the vector sum by M will produce a vector representing an average of the vectors in the set 1 to M)(col. 11, lines 5-15), for the purpose of enabling the terminal to automatically perform a search for similar items and recommend them to the user (col. 11, lines 15-18).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Ismail and Sumita, to include the formula as recited in the claim which, generates an average of vectors Ak, as taught by Hawkins, for the purpose of enabling the terminal to automatically perform a search for similar items and recommend them to the user in a broadcast recording system.

Regarding claim 14, the combined teachings of Ismail and Sumita, disclose a broadcasting system comprising a selection information vector (Sumita, vector Pi, column 7, lines 65-66) attached to a plurality of contents reproduced by a user for a specified time (Sumita, col. 4, lines 62-67) and digital contents (Ismail, see digital encoding, col. 4, lines 40-47), and the vector Ak = (alk, a2k, a3k, ..., ank).

However they fail to specifically disclose wherein said selection information vector is found according to the equation:

$$S = 1/M \sum_{k=L-M+1}^L Ak$$

where M is assumed to be a number of windows for finding a vector S, L is assumed to be a start point for selecting the plurality of digital contents for finding the vector S.

The formula recited in the claim generates an average of M vectors  $A_k$  taken from a set of vectors  $A_k$  of size L, corresponding to the teaching of Hawkins who discloses a selection information vector (vector map representing user selected preferences) is found by averaging vectors A for attribute information over a specified period of time (an operation which requires taking some number of previous selection preferences vectors from a set encompassing the entirety of user selection preferences vectors, and generating an average selection vector based on the selected subset of user preference selections vectors) (col. 11, lines 5-15), for the purpose of enabling the terminal to automatically perform a search for similar items and recommend them to the user (col. 11, lines 15-18).

Thus, it would have been obvious to one of ordinary skill in the art to modify the system of Ismail and Sumita, to include the formula as recited in the claim which, generates an average of M vectors  $A_k$  taken from a set of vectors  $A_k$  of size L, as taught by Hawkins, for the purpose of enabling the terminal to automatically perform a search for similar items and recommend them to the user in a broadcast recording system.

As to claim 15, the combined teachings of Ismail and Sumita, disclose a broadcasting system comprising a selection information vector (Sumita, vector  $P_i$ , column 7, lines 65-66) attached to a plurality of contents reproduced by the user for a specified time (Sumita, column 4, lines 62-67) and digital contents (Ismail, see digital encoding, column 4, lines 40-47), however, they fail to specifically disclose wherein said selection information vector is found by averaging vectors A for attribute information

over a specified period of time, as recited in the claims.

Hawkins discloses a selection information vector (vector map representing user selected preferences) is found by averaging vectors A for attribute information over a specified period of time (col. 11, lines 5-15), for the purpose of enabling the terminal to automatically perform a search for similar items and recommend them to the user (col. 11, lines 15-18).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ismail and Sumita, to include said selection information vector is found by averaging vectors A for attribute information over a specified period of time, as taught by Hawkins, for the purpose of enabling the terminal to automatically perform a search for similar items and recommend them to the user.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ismail and Sumita, as applied to claim 12 above, further in view of Eldering (of record), and further in view of Inoue (of record).

Regarding claim 16, the combined teachings of Ismail and Sumita, disclose a broadcasting system comprising a selection information vector (Sumita, vector Pi, column 7, lines 65-66) and attribute information attached to the plurality of digital contents (Ismail, see digital encoding, column 4, lines 40-47 and column 3, lines 43-48), however they fail to specifically disclose wherein said selection information vector is found by averaging vectors A for attribute information and wherein attribute information

is attached to a plurality of contents reserved by the user, as recited in the claims.

In an analogous art, however, **Eldering** discloses a system wherein said selection information vector is found by averaging vectors for attribute information (column 4, lines 42-51), for the purpose of describing demographic information for a household, rather than a single subscriber (column 4, lines 42-51).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined system of Ismail and Sumita, to include said selection information vector is found by averaging vectors for attribute information, as taught by Eldering, for the purpose of for the purpose of being able to convey demographic information for an entire household, rather than a single subscriber in a user profile feedback system.

Ismail, Sumita and Eldering are silent with respect attribute information is attached to a plurality of contents reserved by a user, as recited in the claims. Inoue, however, discloses a system wherein attribute information (service additional information) is attached to a plurality of contents reserved by a user (column 17, lines 37-47), for the purpose of using the information to judge whether or not to reserve the program.

Thus it also would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined system of Ismail, Sumita, and Eldering to include attribute information attached to a plurality of contents reserved by the user, as taught by Inoue, for the purpose of using the attribute information to judge whether or not to reserve the program based on user preferences in a content receiving system.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ismail and Sumita** as applied to claim 12 above, further in view of **Russel- Falla (of record)** and still further in view of **Inoue**.

Regarding claim 17, the combined teachings of Ismail and Sumita, disclose a broadcasting system comprising a selection information vector (Sumita, vector  $P_i$ , column 7, lines 65-66) attached to the plurality of contents reproduced by the user for a specified time (Sumita, column 4, lines 62-67) and digital contents (Ismail, see digital encoding, column 4, lines 40-47), however they fail to specifically disclose averaging vectors for attribute information for contents reserved by a user, assigning a weight to each average, and combining these weights.

In an analogous art, however, Russell-Falla discloses a system wherein a selection vector is found according to:

$$\text{rating} = (n \sum X_p W_p) / c$$

1 to p

where  $c$  is the number of contents selected by a user; and  $X_p$   $W_p$  is an attribute vector,  $n$  is a weight assigned to the average (scale factor, col. 5, lines 28-29), and combining these weights (summing the weighted or scaled averages), for the purpose of rating content relative to a selected characteristic in a broadcast recording system.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ismail and Sumita, to solve for the selection vector according to the disclosure of Russell-Falla, for the purpose of rating content relative to a selected characteristic in a broadcast recording system.

The combined teachings of Ismail, Sumita, and Russel-Falla fail to teach attaching attribute information to the contents reserved by the user. But Inoue discloses a system wherein attribute information (service additional information) is attached to a plurality of contents reserved by a user (column 17, lines 37-47), for the purpose of using the information to judge whether or not to reserve the program.

Therefore it would also have been obvious to one of ordinary skill in the art at the time of invention to modify the combined system of Ismail, Sumita, and Russell-Falla to include attribute information attached to a plurality of contents reserved by the user, as taught by Inoue, for the purpose of using the attribute information to judge whether or not to reserve the program based on user preferences in a content receiving system.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ismail and Sumita**, as applied to claims 1 and 10 above, and further in view of **Eldering**.

Regarding claim 18, the combined teachings of Ismail, Sumita, disclose a broadcasting system wherein the selection means of each of said plurality of reception apparatuses (Ismail, column 4, lines 40-41) selects the digital content (Ismail, see digital encoding, column 4, lines 40-47) based on a vector of the selection information (Sumita, user profile information, column 7, lines 54-58 and vector  $P_i$ , column 7, lines 65- 66). But they fail to specifically disclose said selection information corresponding to a plurality of users, as recited in the claims.

Elderding discloses selection information corresponding to a plurality of users (column 4, lines 42-51), for the purpose of indicating which content a household will be interested in (column 2, lines 23-32).

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined system of Ismail and Sumita to include said selection information corresponding to a plurality of users, as taught by Elderding, for the purpose of indicating the type of content a household as a whole will be interested in, in a user profile feedback system.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative or access** to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/

Primary Examiner, Art Unit 2424

**Annan Q. Shang**